REMARKS

Claims 1, 5-7, 10-13 and 41-55 are pending after entry of the amendments set forth herein.

Claims 1, 5-7, 10-13 and 41-49 were examined. Claims 1, 5-7, 10-13 and 41-49 were rejected.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

Support for claim 5 as amended can be found in the specification at page 14, lines 1-8 and page 18, lines 1-20, and throughout the specification.

Claims 1, 5-7, 10-13 and 41-48 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Cattell, U.S. Patent No. 6,180,351, in view of Venkatesan, U.S. Patent No. 6,282,550. The Examiner asserted that Cattell discloses a method for fabricating, reading and processing an addressable chemical array, and that Cattell discloses processing/reading signal data from a sub-array as indicated on Figs. 1-3 and column 7, lines 35-65. Applicants respectfully disagree. Fig. 1 of Cattell illustrates a substrate carrying multiple arrays and a local identifier associated with each. Fig. 2 is an enlarged view of a portion of Fig. 1 showing multiple spots of one array. Fig. 3 is an enlarged illustration of a portion of the substrate of Fig. 1. Column 7, lines 35-65 of Cattell discloses that a planar substrate may carry one or more arrays 12 disposed across a first surface, and that each array typically includes multiple features. There is no discussion or showing whatsoever of sub-arrays in any of Figs. 1-3 and column 7, lines 35-65 of Cattell.

Referring to column 12, lines 18-26, the Examiner further asserted that Cattell discloses that an array may contain multiple features (sub-arrays) which may be read/processed separately. Applicants respectfully disagree. Column 12, lines 18-26 does not disclose sub-arrays. Column 12, lines 18-26 indicate that the layout information of the array could indicate that the scanner need not interrogate specific array addresses for a given test. However, the array layout information is fixed during the fabrication of the array and associated with a unique identifier and a local identifier, see column 10, line 45 – column 11, line 24. After exposing a sample to the array, upon reading the array, the reading station reads the local identifier to obtain the linked array layout information. Thus, there can only be one set of features from which signals can be read from an array, since the reading pattern is fixed by the array layout information, which is fixed with respect to the array, and from which the test (only one) is determined by the associated unique identifier of the array that is linked to the array layout information.

In contrast, the present invention allows different instructions to be retrieved for reading or processing from the same array, and therefore multiple different tests (which may use different sub-arrays) may be selected for the same array, having the same unique identifier, with the only difference being the test request that is submitted. Claim 1 has been amended to recite that different instructions for reading or processing signal data from the same array are stored in the memory and correspond to different test requests that may be provided. It is respectfully submitted that Cattell neither teaches nor suggests this arrangement, nor does Venkatesan.

The Examiner asserted that layout information (instruction) is retrieved from a memory wherein each sub-array location is accompanied by a unique identifier. Applicants respectfully disagree. Column 12, lines 1-6 indicate that the array is shown by reference numeral 12. Referring to Fig. 1, reference numeral 12 shows what the Examiner appears to be referring to as a "sub-array" However, this is not a sub-array, but an array, and array 12 is what is inserted into the scanner to be interrogated, not the entire slide containing all of the arrays 12. There are not multiple array layouts for each array 12, but only one for each. Thus, upon reading the local identifier for an array 12, there can be only one instruction that is retrieved. Although some features may be instructed not be read, this is invariate and is fixed with regard to the layout information for that array 12.

With regard to claim 5, the Examiner admitted that Cattell does not disclose repeating the providing, retrieving and reading or processing steps. However, the Examiner asserted that Venkatesan discloses a second user selection of a product based on the first product data provided to the user. The Examiner concluded that it would have been obvious to repeat the process of Cattell (i.e., inserting the array into the scanner, identifying its local identifier, associating the local identifier with the array layout information for the array, and interrogating the array based on the array layout information) to sell a product after a series of modifications conducted on-line, as taught by Venkatesan, "to provide efficient and less time consuming process of buying a biological product to customers." Applicants respectfully disagree.

Venkatesan is directed to obtaining customer orders for custom-designed biochips. Accordingly, Venkatesan is directed to fabrication of biochips and would suggest nothing about providing test requests for reading signals from a chemical array. There is no suggestion provided by Venkatesan which would lead one of ordinary skill in the art to repeat the process of Cattell as described in column 12, and referred to by the Examiner. Even if there were some suggestion, which there clearly is not, repetition of the steps described by Cattell would result in reading the same features of the array each time, as this is dictated by the local identifier and the array layout information which are invariably fixed

to the array being read.

Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10021295-1.

Respectfully submitted,
LAW OFFICE OF ALAN W. CANNON

Date: 5/3/06

By: _____
Alan W. Cannon for Herbert Schulze
Registration No. 34,977

Herbert Schulze
Agilent Technologies, Inc.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599
Telephone: (408) 553-4377
Facsimile: (408) 553-2365